

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

CHERYL HILL, ET AL

***CIVIL ACTION NO. 07-1607**

VS.

***JUDGE WALTER**

**SHERIFFS OFFICE IBERIA PARISH,
ET AL**

***MAGISTRATE JUDGE HILL**

**REPORT AND RECOMMENDATION ON MOTION FOR SUMMARY
JUDGMENT**

Pending before the undersigned for report and recommendation is the Motion for Summary Judgment filed by defendants, Hilda Curry (the “Mayor”), and Therese Segura, Ernest Wilson, David Broussard, Rocky Romero, Raymond Lewis, Dan Doerle and Freddie DeCourt (collectively, the “City”), on July 7, 2008 [rec. doc. 53].

The undersigned held oral argument on the motion on November 19, 2008, at which hearing I stated as follows: “If Judge Walter adopts the Report and Recommendation recommending dismissal of the City, then the Motion for Summary Judgment [rec. doc. 53] will be moot.” [rec. doc. 99]. On December 8, 2008, Judge Walter entered a Judgment dismissing the City. [rec. doc. 103].

Accordingly, the undersigned recommends that the Motion for Summary Judgment [rec. doc. 53] be **DISMISSED AS MOOT**.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and F.R.Civ.Proc. 72(b), parties aggrieved by this recommendation have ten (10) business days from service of this Report

and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within ten (10) days after being served with a copy thereof. Counsel are directed to furnish a courtesy copy of any objections or responses to the District Judge at the time of filing.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FACTUAL FINDINGS AND/OR THE PROPOSED LEGAL CONCLUSIONS REFLECTED IN THIS REPORT AND RECOMMENDATION WITHIN TEN (10) DAYS FOLLOWING THE DATE OF ITS SERVICE, OR WITHIN THE TIME FRAME AUTHORIZED BY FED.R.CIV.P. 6(b), SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING THE FACTUAL FINDINGS OR THE LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT, EXCEPT UPON GROUNDS OF PLAIN ERROR. *DOUGLASS V. UNITED SERVICES AUTOMOBILE ASSOCIATION*, 79 F.3D 1415 (5TH CIR. 1996).

March 10, 2009, at Lafayette, Louisiana


C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE